

REMARKS

Applicants would like to thank Examiner Cariaso for allowing claims 12-14 and indicating the allowability of claims 4, 10 and 11. As indicated above, Applicants have elected to move this application to allowance and issue by placing claims 4, 10 and 11 in form for allowance, and changing the dependence of other claims and adding further claims dependent from allowable claims. In doing so, Applicants do not concede the propriety of the rejections made in the pending Office Action, and reserve the right to present claims identical or similar to those originally presented in this case, or others, in this or a continuing application.

It is noted that the pending Office Action is indicated as a final action. However, a second action is not final “where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement” MPEP 706.07(a). On page 7, paragraph 18, the Office Action acknowledged use of new alleged grounds for rejection. No amendments were made to the claims in the response to the first Office Action, and no new information disclosure statement has been presented. Thus, the finality of this rejection is premature and, insofar as it may be necessary to further consideration of this application, it is respectfully requested that that finality be withdrawn.

Claim 4 has been placed in independent form by including explicitly the language of claim 1 that was implicitly present by virtue of the dependence of claim 4 on claim 1. Thus, no narrowing of claim 4 has taken place. Other claims dependent from claim 1 have been amended to depend from claim 4.

Claim 10 has been placed in independent form by including explicitly the language of claim 8, from which claim 10 previously depended. No narrowing of claim 10 has consequently

occurred. Claim 9, which was also dependent from claim 8, has been amended to depend from claim 10. Similarly, claim 11 has been placed in independent form by including explicitly the language of claim 8, and no narrowing of claim 11 has taken place. New claim 15 includes the subject matter of claim 9 and depends from claim 11.

New claims 16-21 have been added. These claims depend from allowable claims, and for at least that reason are also allowable. No new matter has been added.

Applicants do not concede any of the allegations of unpatentability made in the Office Action, on procedural and/or substantive grounds. Applicants reserve the right to offer claims rejected in the pending or prior Office Actions in this or continuing applications.

In conclusion, Examiner Cariaso is respectfully requested to withdraw the finality of the pending Office Action, enter the above amendments, which place all claims in allowable condition, and to issue a Notice of Allowance for this case. If any further issues exist, the Examiner is invited to call the undersigned counsel to address them.

Respectfully submitted,

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